

**The Water Boards
Final Chaptered & Vetoes Bills
October 3, 2016**

CHAPTERED

AB 1755 (Dodd) The Open and Transparent Water Data Act. Chapter Number: 506

This bill directs the Department of Water Resources, in consultation with the State Water Board, Water Quality Monitoring Council, and Department of Fish and Wildlife to (1) create, operate, and maintain a statewide integrated water data platform, and (2) develop protocols for data sharing, documentation, quality control, public access and promotion of open-source platforms and decision support tools related to water data and submit a report to the Legislature on these protocols. This bill also requires the Department of Water Resources, State Water Board, Water Quality Monitoring Council, and Department of Fish and Wildlife, to coordinate and integrate existing water and ecological data from local, state, and federal agencies. The bill specifies that a recipient of state funds for research or projects relating to water data shall adhere to those protocols or be ineligible for state funding.

AB 1858 (Santiago) Automobile dismantling: task force. Chapter Number: 449

This bill requires the California Department of Motor Vehicles (DMV) to collaborate with various other state agencies, including the State Water Board, to review and coordinate enforcement and compliance activities related to unlicensed automobile dismantling activity. The bill requires the collaborative group to investigate the resulting tax evasion and environmental and public health impacts from unlicensed automobile dismantling, and will require the DMV to submit a report on their findings to the Legislature by January 1, 2019.

AB 2022 (Gordon) Advanced purified demonstration water. Chapter Number: 408

This bill authorizes the operator of a facility producing highly treated wastewater (referred to in the bill as "advanced purified demonstration water") to bottle and distribute that water in 8 ounce bottles as samples for educational purposes and to promote water recycling.

AB 2029 (Dahle) Timber harvesting plans: exemptions. Chapter Number: 563

This bill extends, from January 1, 2018 to January 1, 2021, the sunset date of the Forest Fire Prevention Pilot Project Exemption from the Forest Practices Act. The bill requires the Board of Forestry and the Department of Forestry and Fire Protection (CALFIRE) to submit to the Legislature, by December 31, 2017, a report on the use and effectiveness of the exemption. Upon submittal of the report, or on January 1, 2018, whichever comes first, this bill will expand the exemption to permit removal of trees less than 26 inches in diameter, up from 24 inches, and will expand the exemption to an area covering 28 counties.

AB 2446 (Gordon) State Water Resources Control Board: judicial review. Chapter Number: 523

This bill clarifies the procedures for administrative and judicial review of water quality and drinking water actions taken by the State Water Board and Regional Boards. This bill is sponsored by the State Water Board (CEPA 16-17).

AB 2480 (Bloom) Source watersheds: financing. Chapter Number: 695

This bill specifies that the maintenance and repair of source watersheds is eligible for the same forms of financing as other water collection and treatment infrastructure, to the extent authorized by federal and state law. This bill declares it to be the established policy of the state that source watersheds are integral components of California's water infrastructure.

AB 2594 (Gordon) Stormwater resources: use of captured water. Chapter Number: 526

This bill establishes that a public entity that captures stormwater from urban areas before it reaches a natural channel, in accordance with a stormwater resource plan and existing water rights and water rights law, is entitled to use the captured water to the extent that it augments existing water supplies.

AB 2890 (Committee on Environmental Safety and Toxic Materials) Drinking water and wastewater operator certification programs. Chapter Number: 305

This bill makes several technical changes to better align the State Water Board's programs for certifying operators of wastewater treatment plants and operators of drinking water treatment plants, to improve the efficiency and effectiveness of both programs. This bill: 1) makes changes to operator certification statutes to achieve consistency between the drinking water and wastewater treatment programs, (2) revises the fee structure for wastewater and drinking water treatment plant operator certification, and (3) clarifies and expands the State Water Board's authority to enforce wastewater and drinking water certification programs, including authorizing the Board to issue administrative civil liability provisions for specified violations of the drinking water operator certification program. The bill was sponsored by the State Water Board (CEPA 16-14) and is designed to make the wastewater and drinking water operator certification programs more efficient and effective.

SB 7 (Wolk) Housing: water meters: multiunit structures. Chapter Number: 623

This bill requires, effective January 1, 2018, that all individual water meters, also called submeters, be installed on all new multiunit residential and mixed-use residential and commercial buildings, and will require building owners to bill tenants for water services based on the increment of water that they use. The bill further requires the Department of Housing and Community Development to develop, and propose to the Building Standards Commission for adoption, building standards requiring the installation of water submeters in multiunit residential and mixed-use residential and commercial buildings.

SB 37 (Vidak) Kings River East Groundwater Sustainability Agency Act. Chapter Number: 391

This bill creates the Kings River East Groundwater Sustainability Agency, as special act water district, in the Counties of Fresno and Tulare. This bill will require the Kings River East Groundwater Sustainability Agency to be the groundwater sustainability agency under the Sustainable Groundwater Management Act, to develop and implement a groundwater sustainability plan to achieve sustainable groundwater management, and to enter into an agreement with other local agencies for purposes of coordinating groundwater sustainability plans within the Kings Subbasin. This bill specifies the Kings River East Groundwater Sustainability Agency's boundaries, governance and board of directors, and powers and authorities.

SB 552 (Wolk) Public water systems: disadvantaged communities: consolidation or extension of service: administrative and managerial services. Chapter Number: 773

This bill authorizes the State Water Board to require public water systems that serve disadvantaged communities and that consistently fail to provide an adequate and affordable source of safe drinking water, to obtain administrative and managerial services from an Administrator selected by the State Water Board. The bill also cleans-up and enhances recently enacted trailer bill language which authorizes the State Water Board to order water system consolidation or extension of service. The provisions of the bill pertaining to administrative and managerial services for failing water systems reflect provisions of CEPA 16-12.

SB 564 (Cannella) North Fork Kings Groundwater Sustainability Agency Act. Chapter Number: 392

This bill creates the North Fork Kings Groundwater Sustainability Agency, as special act water district, in the Counties of Fresno and Kings. This bill requires the North Fork Kings Groundwater Sustainability Agency to be the groundwater sustainability agency under the Sustainable Groundwater Management Act, to develop and implement a groundwater sustainability plan to achieve sustainable groundwater management, and to enter into an agreement with other local agencies for purposes of coordinating groundwater sustainability plans within the Kings Subbasin. This bill specifies the West Kings Groundwater Sustainability Agency's boundaries, governance and board of directors, and powers and authorities.

SB 814 (Hill) Drought: excessive water use: urban retail water suppliers. Chapter No.: 230

This bill prohibits excessive water use by residential water users during a Governor declared state of emergency for state or local drought conditions or during a local water supply shortage. This bill requires urban water suppliers to identify and restrict excessive water use by their customers, either through the adoption of a specialized rate structure or an excessive water use ordinance, rule, or tariff condition. This bill establishes that water use above the excessive use threshold established by an urban water supplier shall result in an infraction or administrative civil penalty, and authorizes urban water suppliers to assess a fine for violations of up to \$500 per hundred cubic feet of water used above the excessive use threshold defined by the local agency.

SB 820 (Hertzberg) Hazardous materials: California Land Reuse and Revitalization Act of 2004. Chapter No.: 166

This bill extends, from January 1, 2017, to January 1, 2027, the sunset date of the California Land Reuse and Revitalization Act. This bill includes a conforming change that would specify that landowners who qualify for immunity to liability for pollution and hazardous materials under the Act prior to 2027 would continue to have that immunity after the Act's sunset date.

SB 828 (Committee on Budget and Fiscal Review) School finance: education omnibus trailer bill. Chapter No.: 29

This bill, the Education Omnibus Trailer Bill, makes various changes to existing law pertaining to school finance that are necessary to implement the 2016-17 Budget Act. Among its provisions, this bill requires the State Water Board, in consultation with the Department of Education, to implement a program for awarding grants to local education agencies to improve access to drinking water in public schools. This bill appropriates \$9,500,000 from the General Fund for the purposes of funding this grant program.

SB 837 (Committee on Budget and Fiscal Review) State government. Chapter No.: 32

Among other provisions, this budget trailer bill contains significant changes to the Medical Marijuana Regulation and Safety Act that revises the duties of the State Water Board and other agencies in regulating the cultivation, distribution and sale of medical cannabis.

SB 839 (Committee on Budget and Fiscal Review) Public resources. Chapter No.: 340

This bill, the public resources budget trailer bill, makes various changes to existing law pertaining to natural resources and environmental protection that are necessary to implement the 2016-17 Budget Act. Among its provisions, the bill:

- (1) helps strengthen the California Environmental Protection Agency's (CalEPA) cross-media enforcement unit by requiring that each of the Boards, Departments and Offices in CalEPA participate and have representatives in the cross-media enforcement unit and by requiring that the unit take enforcement actions that are focused on disadvantaged communities;

- (2) authorizes the State Water Board to annually adopt a fee schedule for its Environmental Laboratory Certification Program through emergency regulations, consistent with the manner in which fee schedules are developed for all other State Water Board programs;
- (3) increases the statutory cap on the amount of money that can be spent in 2016 for the Safe Drinking Water Program to correspond to the amount appropriated in the 2016 Budget Act;
- (4) expands the State Water Board's current authority to require certain types of water systems that consistently fail to provide safe drinking water to be consolidated with, or receive an extension of service from, another water system to include additional types of water systems in incorporated areas;
- (5) increases the per-diem allowances for members of Regional Water Quality Control Boards (Regional Water Boards) from \$100/day to \$250/day to increase recruitment and retention of Regional Board members and to fairly compensate them for their time;
- (6) clarifies that for temporary water right permit or temporary water right change order authorizing diversion to storage, the 180-day period is a limitation on the authorization to divert and not a limitation on the authorization for beneficial use of water diverted to storage;
- (7) makes technical changes to \$3.75 million appropriated from the Water Rights Fund used to support 25 enforcement positions.

SB 859 (Committee on Budget and Fiscal Review) Public resources: greenhouse gas emissions and biomass. Chapter No.: 368

This bill, a budget trailer bill, makes various changes to existing law pertaining to natural resources and environmental protection. Among its provisions, this bill appropriates \$1.4 million from penalty monies deposited into the Waste Discharge Permit Fund to the State Water Board to provide grants or contracts for the development of planning, environmental, and design documents in furtherance of projects for eliminating public health and safety risks from wastewater, and agricultural and other drainage of urbanized areas for tributaries to the Salton Sea.

SB 930 (Gaines) Bear Lake Reservoir: recreational use. Chapter No.: 149

This bill continues to allow recreational activities, such as swimming and sailing, at Bear Lake Reservoir in Alpine County by extending from January 1, 2017 to January 1, 2022, the sunset date of provisions of current law which authorize such recreational activities. This bill also extends from January 1, 2016 to December 31, 2017, the date by which the Lake Alpine Water Company must file a report to the Legislature on recreational uses at Bear Lake Reservoir and requires that this report be filed on a biannual basis thereafter.

SB 1260 (Allen) Stormwater: municipalities: online resource center. Chapter No.: 153

This bill required the State Water Board to establish an online resource center that addresses measures available for municipalities to comply with municipal stormwater permit requirements. The online resource center may contain links to relevant state, local and federal agencies, information on water quality mitigation measures and a library of scientific studies on stormwater issues.

SB 1263 (Wieckowski) Public water system: permits. Chapter No.: 843

This bill requires applicants for a new public water system permit to submit to the State Water Board a technical report which evaluates the feasibility of supplying safe drinking water to the proposed service area from one or more existing adjacent public water systems, instead of establishing a new public

water system. The bill authorizes the State Water Board to deny a permit for a proposed new public water system if it determines that the area that would be served by the proposed new public water system can be served by one or more existing public water systems and other conditions are met. This bill enacts portions of the State Water Board's "Affordable, Safe Drinking Water for Disadvantaged Communities" proposal (CEPA.16-12).

SB 1398 (Leyva) Public water systems: lead user service lines. Chapter No.: 731

This bill requires public water systems to: (1) compile, by July 1, 2018, an inventory of lead user service lines in their distribution systems and (2) submit to the State Water Board, by July 1, 2020, a timeline for replacement of known lead service lines and for user service lines whose content cannot be determined. The bill requires the State Water Board, within 30 days, to either approve a submitted timeline, or to reject it and propose a revised timeline to the public water system.

SB 1425 (Pavley) Water-energy nexus registry. Chapter No.: 596

This bill requires the California Environmental Protection Agency (CalEPA) to oversee the development of a voluntary registry for greenhouse gas emissions resulting from the water energy nexus. The bill authorizes CalEPA to contract with a qualified nonprofit organization to assist in developing this registry and to carry out additional support tasks. This bill states that entities participating in the registry would be eligible for financing intended to help reduce greenhouse gases.

SB 1456 (Galgiani) Safe Drinking Water State Revolving Fund Law of 1997: water systems: financing. Chapter No.: 488

This bill expands the eligibility criteria for funding from the Safe Drinking Water State Revolving Fund to allow private for-profit water systems that serve small disadvantaged communities to qualify for grants from the Fund to pay for capital improvements.

VETOED

AB 1588 (Mathis) Water and Wastewater Loan and Grant Program.

This bill would have authorized the State Water Board to establish a program to provide funding, to the extent it is available, for counties and qualified non-profits to award grants and low-interest loans to eligible homeowners for a variety of drinking water and wastewater projects. This bill would have authorized the State Water Board to use funding appropriated in the 2016 Budget Act and any other funding sources that are consistent with the purposes of the bill.

Veto Message:

This bill codifies the existing low-interest loans and grants being provided for local agencies, counties and qualified non-profits for drinking water or wastewater treatment projects. Unfortunately, there were some technical errors that would inadvertently limit the drought assistance we are currently providing.

I am directing the Water Board to work with the author on revised legislation next year.

SB 1328 (Lara) Water delivery projects: reduction of greenhouse gas emissions: funding.

This bill would have allowed the State Water Board to use funds from the Greenhouse Gas Reduction Fund, upon appropriation by the Legislature, to provide grants to various types of organizations to implement projects for stormwater and dry weather runoff collection and treatment, wastewater, water recycling, and drinking water that are intended to reduce greenhouse gas emissions by decreasing demand for fossil fuels needed to pump, transport, and deliver water. This bill would have required the State Water Board to develop project criteria for these grants.

Veto Message:

This bill creates a new Greenhouse Gas Reduction Fund program for stormwater projects.

Rather than creating a potentially duplicative program, I am directing the Resources Agency to work with the State Water Resources Control Board to ensure that stormwater projects are included in the Urban Greening Program.